

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CIVIL APPLICATION NO.5880 OF 2007
IN
FIRST APPEAL (ST) NO.21225 OF 2007

Office Notes, Office
Memoranda of Coram,
appearances, Court's
order or directions

Court's or Judge's
orders

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| Smt.Arti S. Barve for the

| Applicant.

| Mr.S.G.Thorat for Respondents

| Nos.1 to 3.

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CORAM: D.K.DESHMUKH &

|

V.M.KANADE, JJ.

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DATED: 6TH DECEMBER, 2007

P.C.:

1. This is an application for condonation of delay in filing the Appeal. The delay is of 145 days. Reasons given for condonation of delay cannot be termed as sufficient cause. However, considering that it is the First Appeal, in our opinion, delay deserves to be condoned. However, the Appellant is liable to pay costs to the original claimants/

Respondents Nos.1, 2 & 3. It also appears that before the executing court a wrong statement was also made by the Applicant. Taking overall view of the matter, therefore, in our opinion, following order would meet the ends of justice.

O R D E R

(i) Civil Application is granted in terms of prayer clause (a) subject to condition that within a period of four weeks from today the Appellant shall pay as and by way of costs Rs.15000/- (Rupees Fifteen Thousand only) to the Respondents Nos. 1, 2 & 3.

(D.K.DESHMUKH, J.)

(V.M.KANADE, J.)

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V.M.KANADE, **JJ.**

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DATED: 6TH DECEMBER, 2007

P.C.:

Admit.

(D.K.DESHMUKH, J.)

(V.M.KANADE, J.)